

**KENTUCKY LICENSING BOARD OF
HEARING INSTRUMENT SPECIALISTS**

BOARD MEETING MINUTES

**June 29, 2007
1:00 p.m.**

A regular Board meeting of the Kentucky Licensing Board for Specialists in Hearing Instruments was held at the Division of Occupations and Professions in Frankfort, Kentucky on June 29, 2007.

BOARD MEMBERS PRESENT

Steve Clark
Lisa Brown
Brian Schreiner
Michael Hoagland
Charles Robinette
Wilma McMillian

Mark Brengelman – Assistant Attorney General
Board Counsel

OCCUPATIONS & PROFESSIONS STAFF

Carolyn Jones, Board Administrator
Claude Wagner, Director

BOARD MEMBERS NOT PRESENT

Greg Osetinsky, M.D
Mike Stone
Jeff Brown

CALL TO ORDER

Mr. Clark called the meeting to order at 2:10 p.m.

APPROVAL OF MINUTES

Mr. Robinette made a motion to approve the minutes from the April 12, 2007 Board meeting and the June 7, 2007 special Board meeting. The motion was seconded by Ms. McMillian. The motion carried.

FINANCIAL STATEMENT

Mr. Schreiner made a motion to approve the financial statement. Ms. Brown seconded the motion. The motion carried.

DIRECTOR'S REPORT

Mr. Wagner presented the Memorandum of Understanding between Kentucky Higher Education Assistance Authority and the HIS Board. He explained that once a year the Board administrator would submit a mailing list of all active HIS licensees to KHEAA for their use in cross-referencing in an attempt to track down delinquent student loan holders. Mr. Hoagland made a motion to approve the Memorandum of Understanding for Mr. Clark to sign it on behalf of the Board. Mr. Schreiner seconded the motion. The motion carried.

Mr. Wagner reported that the Division had created all of the on-line forms in electronic version in an effort to make them more "user friendly." Ms. Brown made a motion that the forms be put on-line for use right away. Ms. McMillian seconded the motion. The motion carried.

OLD BUSINESS

Mr. Robinette had agreed at the last meeting to contact the North Carolina licensure to inquire about the new computerized audiometry testing equipment. He stated that they were not willing to give much information.

NEW BUSINESS

Correspondence from Austin Black was reviewed. He was originally licensed in 1999 and allowed his license to expire in 2003. He was asking for an exception to KRS 334.110 which states "No person that applies for renewal, whose license has expired, shall be required to submit to any examination as a condition of renewal, if the renewal is made within two (2) years from the date of expiration." He stated that the law did not specify that I had to be a Kentucky license and that he was within the two year period from having let his Florida license expire. Following review of his letter and interpretation of the Kentucky laws and regulations it was determined that Kentucky law refers to Kentucky licenses and therefore, Mr. Black would have to meet the current requirements for licensure in Kentucky. Mr. Robinette made a motion that the Board administrator send a letter to Mr. Black informing him of the Board's interpretation and decision. Mr. Schreiner seconded the motion. The motion carried.

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Correspondence from Larry Trober was reviewed. Mr. Trober had recently taken the licensure examinations and did not pass all portions. He was asking to be granted an apprentice license and be allowed to enter in Stage III. The Board denied his request and stated that if he wished to be granted an apprentice license he would have to enter into Stage I and complete all three stages before being allowed to test again. Or that he could wait and take the exam on August 10. Mr. Robinette made a motion that the Board administrator send a letter to Mr. Trober informing him of the Board's decision. Ms. Brown seconded the motion. The motion carried.

Correspondence from Robert Manning was reviewed. Mr. Manning was asking for an exception to KRS 334.090 which states "The apprentice period shall last twelve (12) months." His apprentice, Ms. Emma Lackey will have had her apprentice permit for one year on August 24, 2007. The next exam is scheduled for August 10, 2007. The Board denied Mr. Manning's request. Mr. Robinette made a motion that the Board administrator send a letter to Mr. Manning informing him of the Board's decision. Mr. Schreiner seconded the motion. The motion carried.

Correspondence from Ms. Elizabeth Snyder was reviewed. Ms. Snyder had applied for licensure in the past and did not pass all of the exams. She felt as though she had been discriminated against because of her vision problems and asked that her earlier file be destroyed. Ms. Snyder was also asking for special accommodations for the upcoming examination. Following review of her letter the Board determined the following: no files or records may be destroyed; large print materials will be provided; the use of magnifying and/or chart glass was allowed; the Board is unable to provide "sample" answers for the hearing aid portion of the exam – this portion of the exam consists of properly diagnosing defective hearing aids and it is up to the exam taker to determine the defect; the use of the RM500 test box will not be allowed, however, the use of a magnifying glass, chart glass, or otoscope is allowed; and large print exams will be provided in addition to someone to assist Ms. Snyder in marking the score sheet for the NIHIS exam. The NIHIS exam can be enlarged however, since the answer sheet was scanned for grading it could not be enlarged. Someone would be provided to assist her in marking the answer sheet. Mr. Schreiner made a motion that the Board administrator draft a response to Ms. Snyder informing her of the Board's decision. Mr. Robinette seconded the motion. The motion carried.

Mr. Clark asked for the Board's approval for Ms. Kyler to attend the NIHIS conference that will be held September 26 – 30, 2007 in Reno, Nevada. Ms. Kyler works closely with NIHIS regarding the National Exam for licensees. In addition, there is also a session for licensure board administrators. Mr. Robinette made a motion that Ms. Kyler be allowed to attend. Mr. Schreiner seconded the motion. The motion carried.

Mr. Clark asked for the Board's input in the matter of a licensee's ability to sponsor during an active complaint investigation. It was the decision of the Board that until charges were filed against a licensee, the fact that a complaint had been filed should not prevent them from being able to sponsor an apprentice.

COMPLAINTS

Mr. Clark made a motion for the Board to accept the Complaint Committees report as follows:

04-007 – The Defendant is continuing to make payments. The case has been referred for further investigation and is ongoing.

05-005 – *HIS Board v. Arthur Azar*, Agency Case No. 05-005, Administrative Action No. 06-KBHI-0169. Respondents brief has been filed in McCracken Circuit Court. The Board's response is due on July 20, 2007.

06-010 – Ongoing investigation

06-012 – *HIS Board v. Janice Keen*, Agency Case No. 06-012, Administrative Action No. 06-KBHI-0075. Hearing scheduled for August 14, 2007. Motion for Summary Disposition filed by the Board.

06-015 – Ongoing

06-016 – Ongoing

06-019 – Ongoing

06-020 – Ongoing

06-027 – Charges pending

06-028 – Ongoing

06-030 – Charges pending

06-031 -- Ongoing

07-001 – Dismissed – matter resolved; no violation of law found

07-002 – Ongoing

07-003 – Ongoing

07-004 – Ongoing

07-005 – Ongoing

07-006 – Dismissed – no violation of law found
07-007 – Ongoing
07-008 – Ongoing
07-009 – Ongoing
07-010 – Dismissed – no violation of law found
07-011 – Charges pending
07-012 – Ongoing; extension of time in which to file response granted to July 31st

The motion was seconded by Mr. Robinette. Motion carried. Mr. Clark recused and did not vote on any action taken.

APPLICATION REVIEW

Mr. Stone made a motion for the Board's acceptance of the following applications as follows:

APPROVED

Melinda Allred – under the sponsorship of Rhonda Johnson
Martha Denton – eligible for August 10, 2007 exam
Kathy Gregory – under the sponsorship of Gary Gregory
Melody Prouse – eligible for August 10, 2007 exam
Linda Staggs – under the sponsorship of Melody Elias
Natalie Wilson – under the sponsorship of William Wood

DENIED

Mary Jude San Miguel
Catherine Way

CONTINUING EDUCATION

No continuing education submitted for approval.

ADDITIONAL BUSINESS

Mr. Robinette asked about the necessity for the Board to begin doing criminal background checks on new applicants. This is not currently covered in the statutes and regulations. No decision regarding this was made.

APPROVAL OF TRAVEL & PER DIEM

Mr. Schreiner made a motion to approve the travel and per diem. The motion was seconded by Ms. McMillian. The motion carried.

NEXT MEETING

The next meeting is scheduled for August 9. The complaint committee will meet at 10:00 a.m. with the regular Board meeting beginning at 1:00 p.m. or immediately following the complaint committee.

Exams are scheduled for August 10 beginning at 9:00 a.m.

ADJOURNMENT

Having no further business before the Board, Mr. Robinette made a motion that the meeting be adjourned at 6:30 p.m. The motion was seconded by Mr. Schreiner. The motion carried.

